

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

South Valley Station
Yerington, Nevada 89447
(Leslie West and Lisa Smith,
Petitioners)

Docket No. A2012-108

UNITED STATES POSTAL SERVICE NOTICE

(January 30, 2012)

By means of Order No.1147 (January 19, 2012), the Postal Regulatory Commission docketed correspondence from a customer of South Valley Station in Yerington, Nevada, assigning PRC Docket No. A2012-108 as an appeal pursuant to 39 U.S.C. § 404(d). That Order, at page 3, set January 30, 2012, as the date by which “[t]he Postal Service shall file the applicable administrative record regarding this appeal” or “[a]ny responsive pleading” to this Notice. This pleading responds to that directive.

As an initial matter, this appeal concerns the discontinuance of a station, which is a retail facility that is Postal Service-operated and is under the administration of a Post Office. See Handbook PO-101, Postal Service-Operated Retail Facilities Discontinuance Guide (July 2011), at 53 (defining Classified Branch); *Wilson v. United States Postal Service*, 441 F. Supp. 803, 806-807 (C.D. Cal. 1977) (recognizing the situation where a “station or branch is ... subordinate to another Post Office”). In the Postal Service’s view, the discontinuance of the South Valley Station does not require an official

administrative record because the South Valley Station is not a Post Office.¹ Nonetheless, the Postal Service submits the attached administrative record, which documents how Postal Service management considered the various effects of the instant discontinuance action on customers, employees, and the community.

The Postal Service also notes that the procedural requirements of 39 U.S.C. § 404(d) do not apply because the discontinuance of South Valley Station does not qualify as a closure envisioned by 39 U.S.C. § 404(d). As recognized in PRC Docket No. A2010-3, concerning the East Elko Station, the section 404(d) procedural requirements apply only where postal customers lose access to postal services. In Docket No. A2010-3, the Commission stated that postal customers do not lose access to postal services offered in their community where alternate retail facilities are located in “close proximity” to the discontinued station. The Commission considered “the close proximity of the Elko Main Post Office” and the availability of the same services at the Elko Main Post Office “to be a chief justification for closing the East Elko Station,” and concluded that “the procedural requirements of section 404(d) do not apply.” See Order No. 477, PRC Docket No. A2010-3 (June 22, 2010) at 7-8. In this case, as stated in the Final Determination to Close the South Valley Station, NV Station and Continue

¹ The Postal Service understands that 39 U.S.C. § 404(d) does not extend to the review of Postal Service decisions regarding the discontinuance of stations and branches. See *generally* Initial Comments of the United States Postal Service, section I (pp. 2-7), PRC Docket No. RM2011-13 (October 3, 2011). In this matter, Petitioner does not allege facts that constitute a condition precedent to any jurisdiction of the Commission under section 404. 39 U.S.C. § 404(d)(5). Although the Postal Service has modified its regulations to apply many of the section 404(d) requirements to stations and branches, these rules apply prospectively, and not to this discontinuance action because it commenced well before July 14, 2011, when the new rules in 39 CFR 241.3 took effect.

to Provide Service by Near By Post Office (“Final Determination” or “FD”), customers will continue to have access to the Yerington Post Office, located approximately one mile away from South Valley Station.² Therefore, in accordance with Order No. 477 in Docket No. A2010-3, because of the close proximity of the Yerington Post Office and because the discontinuance of South Valley Station will not cause postal customers to lose access to postal services, the section 404(d) procedures do not apply.

Furthermore, the availability of the same services at the nearby Yerington Post Office could serve as a separate basis for dismissal. The discontinuance of the South Valley Station is “part of a rearrangement of retail facilities” in the Yerington area. As the Commission recently stated in its Order Dismissing Appeal in PRC Docket No. A2011-90, “[t]he Commission has consistently held that the requirements of section 404(d) do not apply to such rearrangements.”³ Accordingly, the Commission should dismiss this appeal on this separate basis.

Even assuming the section 404(d) requirements were applied to the discontinuance of South Valley Station, the Postal Service satisfied the salient provisions of section 404(d). On May 27, 2011, the Postal Service distributed questionnaires to delivery customers of the South Valley Station, notifying them of the possible discontinuance of South Valley Station, and inviting comments on the potential change to the postal retail network. Item No. 20, Questionnaire

² See Item No. 47, Final Determination to Close the South Valley Station, NV Station and Continue to Provide Service by Near By Post Office, PRC Docket No. A2012-108, at 2; Item No. 18, Post Office Fact Sheet; Item No. 21, Cover Letter and Questionnaire, at 1; Item No. 33, Proposal to Close the South Valley Station, NV Station and Continue to Provide Service By Independent Post Office (“Proposal”), at 2. Citations to items in the administrative record filed with this notice are referred to in this notice as “Item ____.”

³ Order No. 1159, Order Dismissing Appeal, PRC Docket No. A2011-90, January 20, 2012, at 12.

Instruction Letter to Postmaster/OIC; Item No. 21, Cover Letter and Questionnaire, at 1. The Postal Service also made these questionnaires available over the counter for retail customers at the South Valley Station.⁴ Through this notification, the Postal Service furnished customers with well over 60 days' notice of the Postal Service's intention to consider discontinuance of the facility. The Postal Service received 524 customer responses to the questionnaires. FD, at 2; Item No. 23, Postal Customer Questionnaire Analysis, at 1; Proposal, at 2. The Final Determination was posted at the South Valley Station and the Yerington Post Office beginning on December 9, 2011.⁵

The Postal Service considered all of the pertinent criteria of section 404(d), including the effect on postal services, the community, and employees, and the economic savings arising from the discontinuance. FD; Item No. 33, Proposal. Customers notified the Postal Service of their concerns related to postal services, the community, employees and economic savings. As reflected in the administrative record, the Postal Service considered these concerns during the decision-making process. See *id.*

In its responses to customer questionnaires, the Postal Service addressed customer concerns about obtaining services from a different postal retail location or from the carrier.

In summary, the Postal Service submits the attached documentation in support of the foregoing discussion.

⁴ FD, at 2; Item No. 20, Questionnaire Instruction Letter to Postmaster/OIC; Item No. 21, Cover Letter and Questionnaire, at 1; Item No. 33, Proposal, at 2.

⁵ See round-dated Final Determination cover sheets included in Item No. 47.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Anthony F. Alverno
Chief Counsel
Global Business and Service Development
Corporate and Postal Business Law Section

Christopher C. Meyerson
Attorney

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-7820; Fax -5628
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